

Alan S. Wolf, Bar No. 94665  
Daniel K. Fujimoto, Bar No. 158575  
THE WOLF FIRM, A Law Corporation  
2955 Main Street, Second Floor  
Irvine, CA 92614  
Tel: (949) 720-9200  
Fax: (949) 608-0128

Attorneys for Movant  
U.S Bank National Association, as trustee, on behalf of the  
holders of the Home Equity Asset Trust 2006-6 Home Equity  
Pass Through Certificates, Series 2006-6

**UNITED STATES BANKRUPTCY COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

In Re:	)	CASE: 10-17914-B-7
	)	
GREGORY P. FLEITZ aka PRESTON	)	CHAPTER 7
FLEITZ aka GREG FLEITZ and	)	
BERNADETTE FLEITZ aka BERNADETTE	)	REF.: ASW-1
HIDALGO FLEITZ aka BERNADETTE MARIE	)	
HIDALGO	)	MOTION FOR RELIEF
	)	FROM THE AUTOMATIC
Debtors.	)	STAY AND DECLARATION
	)	OF JO-ANN GOLDMAN IN
	)	SUPPORT THEREON
	)	
	)	DATE: 09/08/10
	)	TIME: 11:00am
	)	CTRM: 12
	)	U.S. Bankruptcy Court
	)	2500 Tulare Street
	)	Fresno, CA 93721

The Motion of U.S Bank National Association, as  
trustee, on behalf of the holders of the Home Equity Asset  
Trust 2006-6 Home Equity Pass Through Certificates, Series  
2006-6 respectfully shows as follows:

1. This Court has jurisdiction over this proceeding  
pursuant to 28 U.S.C. Sections 157 and 1334.

2. This Motion is brought pursuant to Local Rule 9014-  
1 (f)(1)(ii) written opposition, if any, to the granting of

1 the Motion shall be in writing and shall be served on the  
2 moving party and filed with the Clerk by the responding  
3 party at least fourteen (14) days preceding the noticed date  
4 of the hearing. Unless written opposition and supporting  
5 evidence are timely filed with the Court, without good  
6 cause, no party will be heard in opposition to the Motion at  
7 oral argument. Failure of the responding party to timely  
8 file written opposition may be deemed a waiver of any  
9 opposition to the granting of the Motion.

10 Opposition to the Motion shall be served on counsel for  
11 Movant as follows:

12 THE WOLF FIRM  
13 2955 Main Street, Second Floor  
14 Irvine, CA 92614  
15 Tel (949) 720-9200  
16 Fax (949) 608-0128

17 3. On July 14, 2010, a petition under Chapter 7 of the  
18 Bankruptcy Code was filed by the Debtors.

19 4. ROBERT A. HAWKINS, TRUSTEE is the Chapter 7 Trustee  
20 for this case.

21 5. Movant is, and at all times herein mentioned was a  
22 corporation organized and existing under the laws of the  
23 United States.

24 6. Movant is the beneficiary under a Deed of Trust  
25 which secures a Promissory Note ("Note") in the principal  
26 sum of \$324,000, with the Note all due and payable on April  
27 1, 2036. The Note and Deed encumber real property commonly  
known as:

3352 San Luis Rey Court, Merced, CA 95348 ("Property")

1 and legally described as set forth in the Deed of Trust,  
2 which is attached to the Declaration of JO-ANN GOLDMAN.

3 7. The beneficial interest under the Deed of Trust is  
4 currently held by Movant. See Declaration of JO-ANN  
5 GOLDMAN.

6 8. There was a default under the terms of the Note and  
7 Deed of Trust and on January 12, 2010, Movant caused to be  
8 recorded a Notice of Default and Election to Sell.

9 9. The Property is Debtors' principal residence.

10 10. As of July 22, 2010, the Debtors have failed to  
11 tender 15 of the contractual payments which have fallen due  
12 under the Note and Deed of Trust.

13 11. The total amount due under Note and Deed of Trust  
14 as of July 22, 2010, exclusive of attorneys' fees and costs,  
15 was approximately \$354,339.53. See Statement of  
16 Indebtedness attached hereto as Exhibit " 1 ".

17 12. Movant requests the Court take Judicial Notice  
18 that the Debtors' Schedule "A" provides the fair market  
19 value of the Property to be approximately \$132,500.00. A  
20 true and correct copy of Schedule "A" is attached hereto as  
21 Exhibit " 2 " and incorporated by reference.

22 13. Movant requests the Court take Judicial Notice  
23 that the Debtors' Schedule "D" reflects the Property is  
24 encumbered by zero additional liens. A true and correct  
25 copy of the Debtors' Schedule "D" is attached hereto as  
26 Exhibit " 3 " and incorporated by reference.

1           14. Movant requests the Court take Judicial Notice  
2 that the Debtors' Statement of Intentions provides the  
3 Property is to be surrendered. A true and correct copy of  
4 the Statement of Intentions is attached hereto as Exhibit "  
5 4 " and incorporated by reference.

6           15. Due to the liens, encumbrances and arrearages  
7 existing against the Property, and due to current market  
8 trends and costs of sale, the Debtors do not have any equity  
9 in the Property.

10          16. The Debtors have no reasonable prospect for  
11 reorganization and the Property is not necessary for an  
12 effective reorganization.

13          17. Movant does not have, and has not been offered,  
14 adequate protection for its interest in the Property and the  
15 passage of time will result in irreparable injury to  
16 Movant's interest in the Property including, but not limited  
17 to, loss of interest and opportunity.

18          18. For all the reasons set forth herein, there is  
19 cause for relief from stay including, but not limited to,  
20 lack of adequate protection and the Debtors' failure to make  
21 the required Deed of Trust payments.

22          WHEREFORE, Movant prays for the judgment against  
23 Respondents as follows:

24          (1) That the automatic stay be terminated or annulled  
25 so that Movant may exercise or cause to be exercised any and  
26 all rights under its Note and/or Deed of Trust and any and  
27 all rights after the foreclosure sale, including, but not

1 limited to, the right to consummate foreclosure proceedings  
2 on the property and the right to proceed in unlawful  
3 detainer;

4 (2) For reasonable attorneys' fees;

5 (3) For the waiver of the 14 day stay pursuant to  
6 Bankruptcy Rule 4001(a)(3).

7 (4) For such other and further relief as the Court  
8 deems just and proper.

9 Dated: August 4, 2010

10  
11 /s/Alan Steven Wolf  
12 ALAN STEVEN WOLF  
13 Attorneys for Movant  
14 U.S Bank National Association, as  
15 trustee, on behalf of the holders of  
16 the Home Equity Asset Trust 2006-6  
17 Home Equity Pass Through  
18 Certificates, Series 2006-6  
19  
20  
21  
22  
23  
24  
25  
26  
27